



BEFORE THE STATE BOARD OF EQUALIZATION
OF THE STATE OF CALIFORNIA

In the Matter of the Appeal of }
SOUTHERN CONSOLIDATED MINING COMPANY }

Appearances:

For Appellant: Messrs. McCutchen, Olney, Mannon and
Greene, San Francisco

For Respondent: Reynold E. Blight Franchise Tax Commis-
sioner; Frank L. buerena, San Francisco

O P I N I O N

This is an appeal, pursuant to Section 25 of the California Bank and Corporation Franchise Tax Act (Chap. 13, Stats. 1929), from the action of the Franchise Tax Commissioner in overruling the protest of Southern Consolidated Mining Company against a proposed assessment of the minimum tax, with interest.

The facts in this case are practically identical with those in the matter of the appeal of the Magalia Mining Company in which an opinion has been filed this day. The only substantial difference is that Southern Consolidated Mining Company owns property located in Mono County and has been out of business for ten years. In the past it has entered into mining leases but such leases have been wholly unproductive of income and it has done certain annual assessment work comparable to payment of taxes on ordinary property necessary to keep alive the few unpatented mining claims owned by it. Upon authority of Lane Timber Co. v. Hynson, 4 Fed. (2d) 666, 40 A. L. R. 1448 and Nunnally Investment Co. v. Rose, 14 Fed. (2d) 189, both of which are cited in our opinion in the Magalia case, we conclude that these differences do not warrant a conclusion that the Southern Consolidated Mining Company is "doing business".

O R D E R

Pursuant to the views expressed in the opinion of the Board on file in this proceeding and in the matter of the appeal of Magalia Mining Company, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the action of Reynold E. Blight, Franchise Tax Commissioner, overruling the protest of Southern Consolidated Mining Company, a corporation, against a proposed assessment of the minimum tax and interest thereon under Chapter 13, Statutes of 1929, be and the same is hereby reversed. Said ruling is hereby set aside and said Commissioner is hereby directed to proceed in conformity with this order,

Appeal of Southern Consolidated Mining Company

Done at Sacramento, California, this 7th day of January,
1930, by the State Board of Equalization.

BY THE BOARD

R. E. Collins, Chairman
Dixwell L. Pierce, Secretary